



Appeal Decision

Site visit made on 7 January 2022

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2022

Appeal Ref: APP/X4725/D/21/3282922

30 Post Office Road, Featherstone, Pontefract WF7 5ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Baylis against the decision of Wakefield Council.
 - The application Ref 21/00315/FUL, dated 31 January 2021, was refused by notice dated 14 June 2021.
 - The development proposed is a 2 storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the Council's determination of the planning application the revised National Planning Policy Framework (the Framework) was published. However, there are no substantive changes relevant to the appeal before me and therefore no party would be prejudiced by my referring to the 2021 version of the Framework.

Main Issues

3. The two main issues for this case are the effect of the development on the:
 - character and appearance of the host dwelling and area; and
 - living conditions of occupants of the appeal dwelling, and occupants of the neighbouring dwellings at No 28 and No 32, in respect of overshadowing and an overbearing sense of enclosure.

Reasons

Character and Appearance

4. The appeal property is a 2-storey mid-terraced dwelling, bounded by No 28 and No 32. It is located in a predominantly residential area comprised of terraced dwellings with yards or small gardens to the rear, often with adjacent rear vehicular and/or pedestrian access.
5. All the dwellings on the same side of Post Office Road as the appeal property have rear extensions apart from the appeal property. These extensions are all single storey with the exception of a 2-storey extension at No 28. As a result, the rear building line of the terrace in which the appeal property is located is predominantly uninterrupted at the first-floor level.

6. The proposed 2-storey rear extension would extend to cover most of the existing yard at No 30 and be taller than the rear extension at No 28. Consequently, due to its design, location, and scale it would be an incongruous addition which would dominate the rear of the host dwelling and introduce a discordant feature into the terraced street scene to the rear of this side of Post Office Road. It would also exacerbate the harm to the predominant strong rear building line of the terrace at first floor level caused by the rear extension at No 28. The detrimental effects of the proposal would be clearly visible from the street to the rear of the appeal property.
7. As a result, I conclude that the proposal would result in significant harm to the character and appearance of the host dwelling and the area. It would be contrary to Policies D9 and D10 of the Council's Local Development Framework Development Policies document (2009) (LDFDP) and the principles set out in the Residential Design Guide Part 2: Guidance for Householders (2018) (RDG). These policies and principles taken collectively require that development should respect the character of the locality and should not be permitted if it is discordant with the style of the original dwelling or result in significant harm to the character of the area. It would also be contrary to Section 12 of the Framework, which amongst other things, requires that development is of a high-quality design and sympathetic to local character.

Living Conditions

8. The proposed 2-storey rear extension would extend most of the depth of the existing yard at No 30. It would be located adjacent to the majority of the boundary with the rear yard of No 32 and close to the boundary with No 28. It would also be very close to the existing side elevations of the 2-storey rear extension at No 28 which includes windows of a kitchen and bedroom, and the single storey rear extension at No 32 which includes a window of a kitchen. The only windows in the proposal would be on the rear elevation and the side elevations would be blank except for a door facing towards the rear extension at No 28.
9. The combined depth, height, and proximity of the elevations of the proposed rear extension to the windows and private outdoor space of No 28 and No 32 would result in significant overshadowing and an overbearing sense of enclosure for the occupants of both dwellings. The dining room window of the host dwelling at No 30 would also suffer overshadowing and an imposing sense of enclosure. The overbearing effects would be exacerbated due to the predominantly blank treatments of the side elevations of the proposal.
10. Therefore, I conclude that the design, scale, and location of the proposal would result in significant harm to the living conditions of the occupants of No 30 and the neighbouring dwellings at No 28 and No 32 in respect of overshadowing and an overbearing sense of enclosure. The development would be contrary to Policies D9 and D10 of the Council's LDFDP (2009). Taken together they require that development should have no significant detrimental impact on the amenity of neighbouring users or residents and existing or prospective users, and not overshadow neighbouring dwellings resulting in harm to the amenity of occupants of the dwelling or neighbouring properties. The proposal would also be contrary to Section 12 of the Framework, which amongst other things, requires that development creates places with a high standard of amenity for existing and future users.

Other Matters

11. My attention has been drawn by the appellant to other dwellings in the locality, including the adjacent No 28 and Nos 61 to 95 Post Office Road, where similar 2-storey rear extensions have been erected to terraced dwellings. However, I do not have full details that led to these proposals being accepted and so cannot be sure of the circumstances and policies involved, and in any event, I must consider the appeal scheme on its own merits. Notwithstanding this, the existence of similar extensions in the locality does not justify the harm that I have identified.
12. I acknowledge that the appellant has expressed disappointment about the way the planning application was determined by the Council and that they consider the decision to be unfair and reflects a first come, first served approach by the Council. Whilst I appreciate the Council's decision must have caused them concern, I have assessed the proposal on its merits in light of the current up-to-date planning policies.
13. The appellant has also highlighted that refusing such planning permissions would sterilise many thousands of terraced properties from being improved or extended in order to allow them to be brought up to current living standards. Whilst I recognise the importance of effectively utilising existing housing stock this factor is not sufficient to outweigh the harm that would be caused by the proposal being contrary to the development plan.

Conclusion

14. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Richard Newsome

INSPECTOR